

Federal Defenders
OF NEW YORK, INC.

Southern District
81 Main Street, Suite 300
White Plains, N.Y. 10601

David E. Patton
Executive Director
and Attorney-in-Chief

Via E-mail and ECF

The Honorable Philp M. Halpern
United States District Court Judge
Southern District of New York
United States Courthouse
300 Quarropas Street
White Plains, New York 10601

The sentencing scheduled for tomorrow, July 20, 2021, is adjourned *sine die*. Defendant's request to supplement this letter by Wednesday July 21, 2021 at 5:00 p.m. is GRANTED.

The Clerk of the Court is respectfully directed to terminate the motion sequence pending at Doc. 35.

SO ORDERED.



Philip M. Halpern
United States District Judge

Dated: White Plains, New York
July 19, 2021

Re: **United States v. Queotis Campbell**
20 CR 651

Dear Honorable Halpern:

I am writing, jointly with the Government, to respond to Your Honor's memorandum regarding the scheduling for Mr. Campbell's sentencing. I have spoken to A.U.S.A. Stephanie Simon, who informed me that the Government is in favor of adjourning Mr. Campbell's sentencing pending the Second Circuit's resolution of the issues raised in the parties' sentencing submissions concerning the applicable base offense level.

At this point, I am not yet in a position to indicate whether Mr. Campbell consents to delaying his sentencing until the Second Circuit decides *United States v. Lucas* and *United States v. Gibson*. This is because I have not yet been able to communicate with Mr. Campbell about this issue. This morning, I contacted the Bureau of Prisons and requested an expedited or emergency phone call with Mr. Campbell, but unfortunately I have not received a call and I have not been told that my request will be granted. That said, I was able to arrange a legal call with Mr. Campbell for Wednesday, July 21, 2021. Thus, I hope to be able to more thoroughly answer Your Honor's question on Wednesday afternoon. Under these circumstances, I ask that Your Honor please allow me to file a supplemental letter Wednesday afternoon.

While I have not yet spoken to Mr. Campbell, I will note that my sentencing memorandum asked that Your Honor impose a sentence of eighteen months of incarceration. As of the date of this letter, Mr. Campbell has been incarcerated for roughly thirteen months. Under these circumstances, I see no harm in a short delay of Mr. Campbell's sentencing but a lengthy delay – especially a delay beyond

September – could (if my sentencing arguments are accepted) result in prolonged and unnecessary incarceration for Mr. Campbell. Thus, I suspect that Mr. Campbell will not want this case to be adjourned for a lengthy period of time. Of course, and with Your Honor's permission, I will update the Court once I speak to Mr. Campbell on Wednesday.

Respectfully,

//s

Benjamin Gold
Assistant Federal Defender

cc: Assistant U.S. Attorney Derek Wikstrom (Via E-mail and ECF)
Assistant U.S. Attorney Stephanie Simon (Via E-mail and ECF)
Queotis Campbell (via Mail)